**IN THE HIGH COURT OF JUDICATURE**
**AT BOMBAY**
**CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.2281 OF 2007**
**IN**
**FIRST APPEAL NO.257 OF 2007**

Sheshdhar Rajnarayan Dubey & Ors. ...Applicants
Vs.
Rammurat Sital Dube & Ors. ...Respondents

Mr.J.M.D'Silva Advocate for Applicants
Mr. Vivek Salunke i/b. Mr. S.S. Rai, Advocates for Respondents

**CORAM: SMT.ROSHAN DALVI,J.**
**DATED: 22ND JUNE, 2007**

**P.C.**

1. The order which is sought to be stayed in this Civil Application is dated 31st January, 2007 passed after the Suit was disposed off since Court Receiver was appointed. Under that order the Court Receiver had been allowed to charge his fees at a particular rate on the royalty amount accumulated with him. The Court Receiver has been directed to deduct certain rent and pay the remainder of the amount to the Respondents 3 and 4. Since the Appeal is admitted, this aspect also shall have to be heard on merits. The amount of

the royalty as well as the rent shall have to be determined in Appeal. Pending that the Court Receiver cannot disburse the amount. Hence, stay of the order follows as a matter of corollary. Since an amount of Rs.3,87,163.25ps is stated to be accumulated with the Court Receiver, it will be in the interest of all the parties to have that amount invested. Consequently the Civil Application is made absolute in terms of prayer clauses (a) and (b). The Court Receiver shall invest the amount as per prayer clause (b) in any Nationalised bank initially for a period of 3 years.

2. The Civil Application is disposed of accordingly.

**(SMT. ROSHAN DALVI, J.)**